

CALENDAR ITEM

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10/16/15

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PRC 4322.1

M. Schroeder

REVISION OF RENT

LESSEE:

Heritage Cove Homeowners Association, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 7580 North Lake Boulevard, near Tahoe Vista, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, 28 mooring buoys, and two marker buoys.

LEASE TERM:

10 years, beginning November 3, 2010.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease and recommends that the annual rent be revised from \$50 per year to \$955 per year, effective November 3, 2015.

OTHER PERTINENT INFORMATION:

1. Lessee owns the upland adjoining the lease premises.
2. On April 6, 2011, the Commission authorized a General Lease – Recreational Use to Heritage Cove Homeowners Association, Inc., for an existing pier, 28 mooring buoys, and two marker buoys. That lease will expire on November 2, 2020.
3. Staff conducted the rent review called for in the lease and recommends the rent be increased to \$955 per year, effective November 3, 2015.
4. In 2010 when the lease was issued, Public Resources Code section 6503.5 provided for no rent for private recreational piers when operated by

CALENDAR ITEM NO. **C19** (CONT'D)

associations consisting of natural persons who own single-family dwellings on the littoral, or upland, property. The Lessee is a homeowners association consisting of 40 units. When the lease was issued, all members/owners qualified for rent-free status. Since authorization of the lease, three of the 40 units no longer qualify for rent-free status, therefore, the rent has been prorated accordingly. The marker buoys continue to be subject to rent because they are not used for the docking and mooring of boats.

5. The staff recommends that the Commission find that the subject revision of rent does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c) (3), and 15378.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject revision of rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060 subdivision (c) (3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Approve the revision of rent for Lease No. PRC 4322.1 from \$50 per year to \$955 per year, effective November 3, 2015.

EXHIBIT A
LAND DESCRIPTION

PRC 4322.1

A parcel of submerged land lying in the State owned bed of Lake Tahoe, County of Placer, State of California, more particularly described as follows:

BEGINNING at the intersection of the southerly terminus of the course described as N 2°12' W of Parcel 2 in Grant Deed recorded in Volume 1892, Page 150, Official Records of Placer County, and a contour line 6223 feet, Lake Tahoe Datum; thence S 02°12'00" E 750.00 feet; thence S 87°48'00" W 482.00 feet to a point lying S 12°36'17" W from the intersection of the southerly terminus of the course described as S 6°07' W in said deed, and said contour line; thence N 12°36'17" E 811 feet, more or less, to said intersection; thence easterly along said contour line 274 feet , more or less, to the POINT OF BEGINNING.

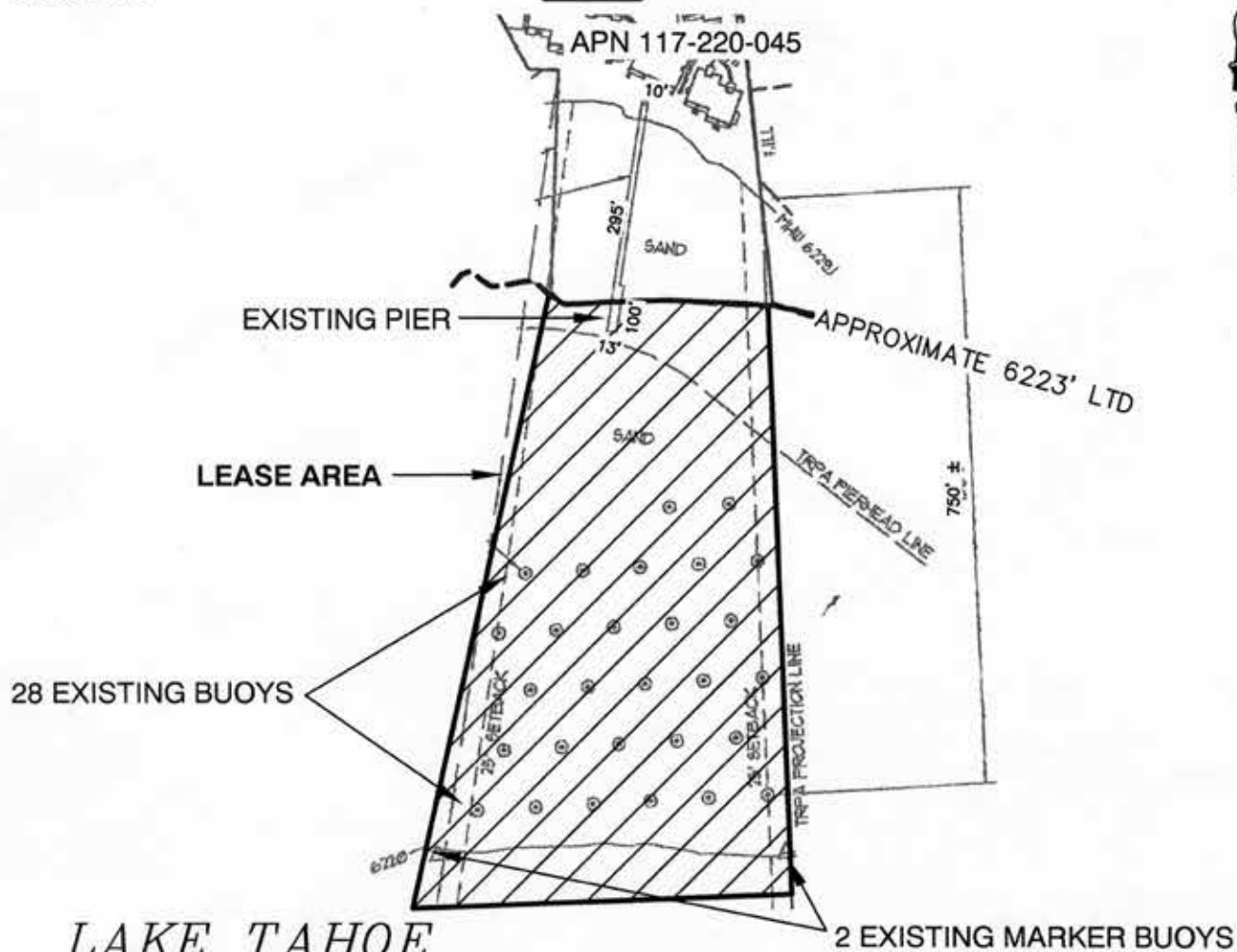
END OF DESCRIPTION

Prepared 12/27/2010 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



NO SCALE

LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 4322.1
HERATAGE COVE H.O.A.
APN 117-220-045
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



DJF 06/03/2015